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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177192
Party	Defendant Martanna LLC
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Attachments	Applicant's First notice of Reliance.pdf (5 pages)(248280 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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NAUTICA APPAREL, INC.,)	
)	
Opposer,)	Opposition No. 91177192
)	
v.)	Mark: GET NAUTI
)	
MARTANNA L.C.,)	Serial No. 78610037
)	
Applicant.)	Filed: April 15, 2005

APPLICANT'S FIRST NOTICE OF RELIANCE PURSUANT TO 37 C.F.R. §2.122(e)

Please take notice that Applicant in the above-captioned proceeding, Martanna L.C., hereby notices its reliance on excerpts from *Merriam-Webster's Collegiate Dictionary, Tenth Edition* (1997). A copy of these excerpts is attached to this notice.

Page 490 included in these excerpts includes the entry for the word "get". These excerpts are relevant for several reasons. First, the first word in Applicant's mark GET NAUTI is the word "get". Second, this dictionary entry includes the following definitions of "get": "to reach or enter into a certain condition <got to sleep after midnight>" and "to succeed in becoming: BECOME <how to ~ clear of all the debts I owe – Shak.>." Third, the entry contains the following guidance regarding the usage of the word "get" as a passive auxiliary and as an imperative:

usage The pronunciation \ˈgit\ has been noted as a feature of some British and American dialects since the 16th century. ... It nonetheless remains in widespread and unpredictable use in many dialects, often, but not exclusively, when *get* is a passive auxiliary (as in *get married*) or an imperative (as in *get up!*).

Fourth, the lengthy entry in this dictionary for the word "get" demonstrates that the meaning of this word differs depending on the other words with which it is used.

Dated: February 6, 2009

Respectfully submitted,

/Howard G. Slavit/

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I hereby certify that a true and correct copy of the foregoing Notice of Reliance Pursuant to 37 CFR Section 2.122(e) was served by first-class United States mail, postage prepaid, upon:

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TENTH EDITION

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get /'get/ + 'git/ *to get* /'git/; *got or got-ten* /'gɒt-ən/ *get-ting* [ME, fr. ON *geta* to get, beget; akin to OE *gætan* to beget, L *prehendere* to seize, grasp, Gk *chandaína* to hold, contain] *v* (13c) 1. *a*: to gain possession of *b*: to receive as a return: EARN (he got a bad reputation for carelessness) 2. *a*: to obtain by concession or entreaty (~ your mother's permission to go) *b*: to become affected by (a disease or bodily condition): CATCH (got measles from his sister) 3. *a*: to seek out and obtain (hoped to ~ dinner at the inn) *b*: to obtain and bring where wanted or needed (~ a pencil from the desk) 4. *a*: to cause to come or go (quickly got his luggage through customs) *b*: to cause to move (~ it out of the house) *c*: to cause to be in a certain position or condition (got his feet wet) *d*: to make ready: PREPARE (~ breakfast) 5. *a*: to be subjected to (got a bad fall) *b*: to receive by way of punishment *c*: to suffer a specified injury to (got my nose broken) 6. *a*: to achieve as a result of military activity: *b*: to obtain or receive by way of benefit or advantage (he got little for his trouble) (~ the better of an enemy) 7. *a*: SEIZE *b*: OVERCOME *c*: to have an emotional effect on (the final scene always ~s me) *d*: IRRITATE (the delays were starting to ~ her) *e*: PUZZLE *f*: to take vengeance on; specify: KILL *g*: HIT *h*: to prevail on: CAUSE (finally got them to tidy up their room) 10. *a*: HAVE — used in the present perfect tense form with present meaning (I've got no money) *b*: to have as an obligation or necessity — used in the present perfect tense form with present meaning (you have got to come) 11. *a*: to find out by calculation (~ the answer to a problem) *b*: MEMORIZE (got the verse by heart) *c*: HEAR *d*: UNDERSTAND 12. to establish communication with 13. to put out in baseball 14. DELIVER 6b (the car ~s 20 miles to the gallon) ~ *v* 1. *a*: to succeed in coming or going: to bring or move oneself (~ way to the country) (got into the car) *b*: to reach or enter into a certain condition (got to sleep after midnight) *c*: to make progress (hasn't gotten far with the essay) 2. to acquire wealth 3. *a*: to be able (never got to go to college) *b*: to come to be — often used with following present participle (got talking about old times) 4. *a*: to succeed in becoming: BECOME (how to ~ clear of all the debts I owe — Shak.) *b*: to become involved (people who ~ into trouble with the law) 5. to leave immediately (told them to ~) ~ *verbal auxiliary* — used with the past participle of transitive verbs as a passive voice auxiliary (they got caught in the act) — *get a head on*: to gain a precise and telling knowledge or understanding of (got a head on his motives) — *get after*: to pursue with exhortation, reprimand, or attack — *get ahead*: to achieve success (determined to get ahead in life) — *get a move on*: HURRY — *get at* 1. to reach effectively 2. to influence corruptly: BRIBE 3. to turn one's attention to 4. to try to prove or make clear (what is he getting at) — *get away with*: to avoid criticism or punishment for or the consequences of (as a reprehensible act) — *get cracking*: to make a start: get going (ought to get cracking on that assignment) — *get even*: to get revenge — *get even with*: to repay in kind — *get going*: to make a start — *get into*: to become strongly involved with or deeply interested in — *get it*: to receive a scolding or punishment — *get it on* 1. to become enthusiastic, energetic, or excited 2. to engage in sexual intercourse — *get on*: to produce an unfortunate effect on: UPSET (the noise got on my nerves) — *get one's act together* 1. to put one's life, thoughts, or emotions in order: cease to be confused or misdirected 2. to begin to function in a skillful or efficient manner (the company finally got its act together) — *get one's goat*: to make one angry or annoyed — *get over* 1. *a*: OVERCOME, SURMOUNT, *b*: to recover from *c*: to reconcile oneself to: become accustomed to 2. to move or travel across — *get somewhere*: to be successful — *get there*: to be successful — *get through*: to reach the end of: COMPLETE — *get to* 1. *a*: BEGIN (gets to worrying over nothing at all) *b*: to be ready to begin or deal with (I'll get to the accounts as soon as I can) 2. to have an effect on: as *a*: INFLUENCE *b*: BOTHER — *get together* 1. to bring together: ACCUMULATE 2. to come together: ASSEMBLE, MEET 3. to reach agreement — *get wind of*: to become aware of — *get with it*: to become alert or aware: show sophisticated consciousness

usage The pronunciation /'git/ has been noted as a feature of some British and American dialects since the 16th century. In the phonetic spelling of his own speech Benjamin Franklin records *git*. However, since at least 1687 some grammarians and teachers have disapproved this pronunciation. It nonetheless remains in widespread and unpredictable use in many dialects, often, but not exclusively, when *get* is a passive auxiliary (as in *get married*) or an imperative (as in *get up*).

get /'get/ *n* (14c) 1. *a*: something begotten: (1): OFFSPRING (2): the entire progeny of a male animal *b*: LINEAGE 2. a return of a difficult shot in a game (as tennis)

get /'get/ *n*, pl *git-tia* /'gi-ti-ə/ [LHeb *gēṭ*] (1892) 1. a document of release from obligation in Jewish law; specify: a bill of divorce 2. a religious divorce by Jewish law

get-a /'ge-(t)ā, -tə/ *n*, pl *getas* or *getas* [Jp] (1884): a Japanese wooden clog for outdoor wear

get about *v* (1816) 1. to become current: CIRCULATE 2. to be up and about: begin to walk (able to get about again)

get across *v* (1913) 1. to become clear or convincing ~ *v*: to make clear or convincing (we couldn't get our point across)

get along *v* (1768) 1. *a*: to proceed toward a destination: PROGRESS *b*: to approach an advanced stage; esp.: to approach old age 2. to meet one's needs: MANAGE (we got along on a minimum of clothing) 3. to be or remain on congenial terms

get around *v* (1875) 1. CIRCUMVENT, EVADE 2. to get the better of ~ *v* 1. *a*: to find or take the necessary time or effort — used with *to* *b*: to give attention or consideration — used with *to* 2. to go from place to place 3. to become known or current (word got around that he was resigning)

get-at-able /'ge-tə-bəl/ *adj* (1799): ACCESSIBLE, APPROACHABLE

get-away /'ge-tə-wə/ *n* (1890) 1. an act or instance of getting away: as *a*: ESCAPE *b*: START 2. a place suitable for a vacation; 3. a vacation esp. of brief duration

get back *v* (1605) 1. to come or go again to a person, place, or condition: RETURN, REVERT (getting back to the main topic of the lecture)

2. to gain revenge: RETALIATE — used with *at* ~ *v*: to retaliate session of: RECOVER

get by *v* (1908) 1. to succeed with the least possible effort or accomplishment 2. to make ends meet: SURVIVE 3. to proceed being discovered, criticized, or punished

get down *v* (1757) 1. to alight esp. from a vehicle: DESCEND give one's attention or consideration — used with *to* (get down to business) ~ *v* 1. to cause to be physically, mentally, or emotionally exhausted: DEPRESS (the weather was getting her down) 2. to swallow 3. to commit to writing: DESCRIBE

get-go /'git-gō, 'get-/ *n* (1980): the very beginning — *usage* phrase from the *get-go* (didn't like me from the ~)

Geth-se-m-a-ne /'geth-se-mə-nē/ *n* [Gk *Gethsemane*] 1. the outside Jerusalem mentioned in Mk 14 as the scene of the arrest of Jesus 2. a place or occasion of great mental or suffering

get in *v* (ca. 1533) 1. *a*: ENTER *b*: ARRIVE 2. *a*: to be friendly *b*: to become involved 3. to become accepted for ship or chosen for office ~ *v* 1. to succeed in doing, delivering 2. to include in one's schedule 3. INVOLVE 2a

get off *v* (1640) 1. to avoid the most serious consequences of a generous situation or punishment (got off with a light sentence) 2. START, LEAVE (got off on the trip early) 3. to leave work, mission or as scheduled 4. to get high on a drug 5. to orgasm 6. to experience great pleasure — often used with 1: to secure the release of or procure a modified penalty for (yours got him off) 2. *a*: UTTER (got off a joke) *b*: to write 3. to succeed in doing, making, or delivering 4. to cause to get on *v* (1816) 1. GET ALONG (was getting on in years) (got with the boss) (get on with the game) 2. to gain knowledge or standing (got on to the racket)

get out *v* (14c) 1. LEAVE, ESCAPE (doubted that he would get out) 2. to become known: leak out (their secret got out) ~ *v* 1. to cause to leave or escape 2. to bring before the public; esp.: to get round *v* (1748): GET AROUND

get-ter /'ge-tər/ *n* (15c) 1. one that gets 2. a substance put into a vacuum tube or electric lamp to remove traces of gas

get through *v* (1694) 1. to reach a destination 2. to gain or a desired outcome 3. *a*: to make something clear *b*: to establish a communications connection

get-to-gether /'get-tə-ge-θər/ *n* (1911): MEETING; esp.: a social gathering

get-up /'get-əp/ *n* (1847) 1. OUTFIT, COSTUME 2. general notion or structure

get up *v* (14c) 1. *a*: to arise from bed *b*: to rise to one's feet: CLIMB, ASCEND 2. to go ahead or faster — used in the imperative command esp. to driven animals ~ *v* 1. to make progress: ORGANIZE (got up a party for the newcomers) 2. to arrange external appearance: DRESS 3. to acquire a knowledge of create in oneself (cannot get up the courage to tell them)

get-up-and-go /'get-əp-ə-n-gō, 'git-, -m-, -n-/ *n* (1906): DRIVE

ge-um /'je-əm/ *n* [L] (ca. 1548): AVENS

gew-gaw /'g(y)ū(-)gō/ *n* [origin unknown] (ca. 1529): a shiny: BAUBLE, TRINKET

gewürz-tra-mi-ner /'gə-vür-stra-mə-nər, 'vort-, -strā-, -strā-/ *n*, often cap [G, variety of grape, fr. *Gewürz* spice + *Traminer* of grape, fr. *Tramin* (Termeno, Italy)] (ca. 1950): a light dry, white wine with a spicy bouquet; also: a similar wine made elsewhere

gey /'ge-/ *adv* [alter. of *gay*, *adv.*] (1796) chiefly Scot: VERY, QUITE

gey-ser /'gi-zər, Brit sometimes 'gə- or 'ge-/ *n* chiefly Scot: VERY, QUITE

geysir /'ge-/ *n* [Icelandic] (1780) 1. a spring that erupts at intervals: hot spring in Iceland, fr. *geysa* to rush forth, fr. ON: *geotan* to pour — more at FOUNTAIN

geyser /'ge-/ *n* [F] (1780) 1. a spring that erupts at intervals: hot spring in Iceland, fr. *geysa* to rush forth, fr. ON: *geotan* to pour — more at FOUNTAIN

geyserite /'ge-/ *n* [F] (1780) 1. a mineral (as for a bath) 2. a hydrothermal silica that constitutes one variety of opal and is found around some hot springs and geysers in white or grayish colors

g-fac-tor /'g-fak-tər/ *n* (1942): GYROMAGNETIC RATIO

gha-r-i-al /'ge-rē-shəl/ *n* [Hindi *gharyāl*] (ca. 1809): GAVIAL

ghar-ry /'gar-ē, 'gār-/ *n*, pl *gharries* [Hindi *gārī*] (1810): drawn cab used esp. in India and Egypt

ghast /'gast/ *adj* (1622) archaic: GHASTLY

ghast-ful /'fəl/ *adj* (14c) archaic: FRIGHTFUL — *ghast-ful* archaic

ghast-ly /'gast-lē/ *adj* *ghast-li-er*, -est [ME *gastly*, fr. *gasten* to be more at GAST] (14c) 1. *a*: terrifyingly horrible to look at: FRIGHTENING (a ~ crime) *b*: intensely unpleasant, disagreeable, objectionable (such a life seems ~ in its emptiness and sterility) 2. to resemble a ghost 3. *obs*: filled with: very great (~ mistake) — *ghast-li-ness* *n* — *ghastly* *adv*

syn GHASTLY, GRISLY, GRUESOME, MACABRE, LURID mean horrible, repellent in appearance or aspect. GHASTLY suggests the aspects of corpses and ghosts (a ghastly accident). GRISLY and SOME suggest additionally the results of extreme violence or (an unusually grisly murder) (the gruesome history of the Nazi camps). MACABRE implies a morbid preoccupation with the aspects of death (a macabre tale of premature burial). LURID, GRUESOME and the suggestion of shuddering fascination with violence and esp. with murder (the lurid details of a crime).

ghat /'gət, 'gāt/ *n* [Hindi *ghat*, fr. Skt *ghaṭṭa*] (1783): a broad steps that is situated on an Indian riverbank and that provides to the water esp. for bathing

ghee or **ghi** /'gē, 'gī/ *n* [Hindi *ghī*, fr. Skt *ghṛīṭa*] (1665): a semisolid butter made esp. in India

gher-kin /'ger-kən/ *n* [D *gurken*, pl. of *gurk* cucumber, ultim. *agouron*] (1661) 1. a small prickly fruit used for pickling; also slender annual vine (*Cucumis anguria*) of the gourd family 2. the immature fruit of the cucumber

ghet-to /'ge-(t)ō/ *n*, pl *ghettos* also *ghettoes* [It, fr. Venetian *gheto* island where Jews were forced to live, lit., foundry (located island), fr. *ghetār* to cast, fr. L *jactare* to throw — more at *ghet*] 1. a quarter of a city in which Jews were formerly required to live 2. a quarter of a city in which members of a minority group



geta